

**ASSEMBLY BILL**

**No. 333**

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**Introduced by Assembly Member Melendez**

February 13, 2015

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An act to amend Section 49417 of the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

AB 333, as introduced, Melendez. Pupil health: automated external defibrillators.

Existing law authorizes a public school to solicit and receive nonstate funds to acquire and maintain an automated external defibrillator (AED). Existing law provides that the employees of the school district are not liable for civil damages resulting from certain uses, attempted uses, or nonuses of an AED, except as provided. Existing law provides that a public school or school district that complies with certain requirements related to an AED is not liable for any civil damages resulting from any act or omission in the rendering of the emergency care or treatment, except as provided.

This bill would make a nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 49417 of the Education Code is amended
- 2 to read:
- 3 49417. (a) A public school may solicit and receive nonstate
- 4 funds to acquire and maintain an automated external defibrillator

1 (AED). These funds shall only be used to acquire and maintain an  
2 AED and to provide training to school employees regarding *the*  
3 use of an AED.

4 (b) Except as provided in subdivision (d), if an employee of a  
5 school district complies with Section 1714.21 of the Civil Code  
6 in rendering emergency care or treatment through the use,  
7 attempted use, or nonuse of an AED at the scene of an emergency,  
8 the employee shall not be liable for any civil damages resulting  
9 from any act or omission in the rendering of the emergency care  
10 or treatment.

11 (c) Except as provided in subdivision (d), if a public school or  
12 school district complies with the requirements of Section 1797.196  
13 of the Health and Safety Code, the public school or school district  
14 shall be covered by Section 1714.21 of the Civil Code and shall  
15 not be liable for any civil damages resulting from any act or  
16 omission in the rendering of the emergency care or treatment.

17 (d) Subdivisions (b) and (c) do not apply in the case of personal  
18 injury or wrongful death that results from gross negligence or  
19 willful or wanton misconduct on the part of the person who uses,  
20 attempts to use, or maliciously fails to use an AED to render  
21 emergency care or treatment.

22 (e) This section does not alter the requirements of Section  
23 1797.196 of the Health and Safety Code.